

**NATIONAL PARLIAMENT RESOLUTION NO. 15/2010
of 6 June**

**THAT APPROVES THE COOPERATION AGREEMENT AMONG CPLP
MEMBER STATES ON CINEMA AND AUDIOVISUALS**

On proposal of the Government pursuant to article 95.3(f) of the Constitution of the Republic, the National Parliament decides to approve the Cooperation Agreement among the CPLP Member States on Cinema and Audiovisuals, signed in Luanda no 14 May 2005, the text of which, in Portuguese version, is attached hereto.

Approved on 24 March 2009.

The Speaker of the National Parliament,

Fernando La Sama de Araújo

For publication. 15.6.10

The President of the Republic,

Dr. José Ramos-Horta

**COOPERATION AGREEMENT AMONG CPLP MEMBER STATES ON
CINEMA AND AUDIOVISUALS**

The Ministers of Culture of the Community of Portuguese-Speaking Countries, Angola, Brazil, Cape Verde, Guiné-Bissau, Mozambique, Portugal and S. Tomé and Príncipe, meeting in Luanda under the auspices of the Angolan Government on 13 and 14 May 2005 in its fourth Annual Session,

Conscious that the Portuguese language constitutes a common heritage to be protected and preserved as a factor of communication not only in the relations among Portuguese speaking countries, but also in its international projection;

Conscious of the need to strengthen the importance of cinema and audiovisuals in CPLP countries;

Conscious that it is necessary and indispensable that there is a broad exchange of information on the situation of the cinema and audiovisual sector in the various Portuguese-speaking Countries, notably insofar as the main conditions, difficulties, potentialities and objectives are concerned;

Recognizing in general the existing creative potential and the importance to assert the lusophone space and the cultures of the Member States in the world, in a global context of dialogue among cultures and of the valorization of cultural and regional identity and diversity;

Conscious of the need to regularly organize meetings for exchanging information and making consultations in order to strengthen and structure the cooperation in the fields of cinema and audiovisuals,

Conscious of the need to promote the development of cinema and audiovisuals of the Member States and, in particular, of those Member States with reduced dimension, infrastructures and production capacities;

Agree on the following:

Article 1

1. Independent cinema and audiovisual production activities shall be governed by fundamental principles of freedom of expression and cultural creativeness.
2. Outside of the cases expressly provided for in the laws of the Member States, exercise of economic and professional activities linked to independent cinema and audiovisual production shall not require authorization and may not be restricted by any type of administrative conditioning.

Article 2

With the objective of contributing for the development of cinema and independent audiovisual production sectors within the Portuguese-Speaking Countries with due respect for their respective diversity, and of actively contributing for the strengthening of the common assertion, at the international level, of the cinematographic culture of the Portuguese-speaking countries, the Member States shall organize among them a cooperation structured on the fields under analysis.

Article 3

In pursuing the objectives of this Agreement, attention shall systematically be paid to the particular conditions of the Member States having a more reduced dimension, infrastructure and capacity to produce cinema and audiovisuals.

Article 4

1. For the purposes of article 2, Member States shall nominate their respective cinematographic authorities who will meet in a Forum of CPLP Cinematographic Authorities.

2. The Forum of CPLP Cinematographic Authorities shall meet ordinarily once every year and extraordinarily following a request of a simple majority of its members.

Article 5

Authorities meeting under the Forum of CPLP Cinematographic Authorities shall:

- a) Within the resources available to them and those they manage to mobilize to that effect, promote and execute or support cooperation mechanisms among Member States, including common actions aimed at encouraging the training, development, production, distribution, exhibition and promotion of cinematographic and audiovisual works, at recovering, preserving and valuing cinematographic and audiovisual heritage, and at adapting it to new technologies and, in general, at pursuing the objectives referred to in article 2;
- b) Exchange documents and information that contribute to the pursuance of the objectives referred to in article 2;
- c) May, whenever such contribution reveals itself to be useful, and based on the regular exchange referred to in the preceding subparagraph, communicate to Member States information, stances or proposals that may contribute for ensuring the materialization of the objectives referred to in article 2.

Article 6

1. The actions referred to in article 5.1, particularly the co-financing of cinematographic co-productions or independent audiovisual works, may be undertaken through a multilateral support fund made up of public resources and, possibly, of private funds from the Member States capable of stimulating the complementarity of other funding, including funding from third countries or from international organizations.

2. The Ministers of Culture of CPLP shall take a decision on the regime of multilateral co-financing referred to in paragraph 1 on the basis of studies to be conducted and of a substantiated proposal to be presented by the cinematographic authorities gathered at the Forum of CPLP Cinematographic Authorities.

Article 7

Irrespective of the support referred to in paragraph 1 of article 6, the States shall seek to render the actions feasible, gearing their efforts on the basis of priorities to be defined together.

Article 8

In the framework of the promotion of CPLP cinema and audiovisuals within the public in the Member States and also with a view to strengthening the visibility, in general, of such cinema and audiovisuals, the States undertake to organize a CPLP international cinema and audiovisual festival. The international festival shall take place annually, on a rotative basis, in a city of a Member State and may be extended to other cities. Prizes shall be awarded in the framework of the festival.

Article 9

1. Based on the studies to be conducted and on a substantiated proposal to be presented by the cinematographic authorities gathered under the CPLP Cinematographic Authorities Forum, the Conference of Heads of State and Government shall decide on the adoption of a cinematographic co-production multilateral agreement susceptible of complementing the current regime of bilateral agreements between some Member States.

2. Until such time as the multilateral agreement referred to in the preceding paragraph is adopted, the Member States shall continue to resort to the available legal instruments, notably the bilateral agreements and the international conventions to which they are parties so that, in respect for these norms of international and domestic law, they may promote and facilitate the undertaking and recognition of co-productions among, or involving, co-producers from Member States.

Article 10

This Agreement may be the subject of revision at the request of any Contracting State. The amendments shall enter into force pursuant to article 11.

Article 11

This Agreement shall enter into force on the first day of the month immediately after the date on which three CPLP Member States have deposited their respective instruments of ratification, or equivalent documents binding them to the Agreement, with the Executive Secretary at the CPLP Headquarters.

For each Member State which deposits at a later date the respective instrument of ratification, or equivalent document binding it to the Agreement, the Agreement shall enter into force on the first day of the month immediately after the date of deposit.

Article 12

The original text of this Agreement shall be deposited at the CPLP Headquarters with the Executive Secretary, who shall send authenticated copies thereof to the Member States.

Done in Luanda on 14 May 2005.

The Minister of Culture of the Republic of Angola.

Boaventura da Silva Cardoso

The Minister of Culture of the Federal Republic of Brazil

Gilberto Gil Moreira

The Ambassador of the Republic of Cape Verde in Angola, representing the Minister of Culture,

Silvino Manuel da Luz

The Secretary of State for Culture, Youth and Sports of the Republic of Guiné-Bissau,

Respício Marcelino Silva

The Deputy-Minister for Education and Culture of the Republic of Mozambique,

Luís António Covane

The Minister for Culture of Portugal

Isabel Pires de Lima

The Minister for Education and Culture of the Democratic Republic of S. Tomé and Príncipe

Álvaro João Santiago